

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

BERRY CONTRACTING, LP D/B/A	§
BAY, LTD.	§
Plaintiff	§
VS.	§ CIVIL ACTION NO. C-08-312
M/V ARIES SWAN, its engines	§ IN ADMIRALTY, Rule 9(h)
Tackle, etc., <i>in rem</i> ,	§
Defendant	§

CLAIM OF OWNER FOR M/V ARIES SWAN

TO THE HONORABLE JUDGE OF SAID COURT:

NOW INTO COURT, through undersigned counsel, comes Aries Supply 1 KS, appearing solely as claimant of the *in rem* defendant, M/V *ARIES SWAN*, and with a full reservation of all rights and defenses pursuant to Rule E(8) of the Federal Rule of Civil Procedure, files this its Claim of Owner pursuant to Supplemental Federal Rules of Civil Procedure C(6) and asserts that it is the owner of the M/V *ARIES SWAN*, as the same is proceeded against herein, and respectfully prays for leave to defend the said vessel, *in rem*, accordingly.

Respectfully submitted,

By: /s/ John R. Pearson

John R. Pearson  
State Bar No. 15693000  
J. James Cooper  
State Bar No. 04780010  
1000 Louisiana, Suite 3400  
Houston, Texas 77002  
Telephone: (713) 276-5500  
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**Attorney-in-Charge for Aries Supply 1 KS,  
appearing solely as Claimant of the *in rem*  
Defendant, M/V ARIES SWAN**

Of Counsel:

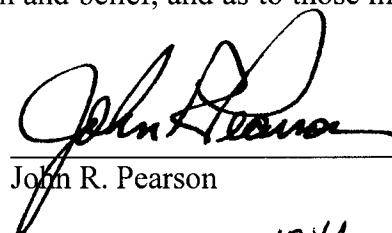
Gardere Wynne Sewell LLP  
1000 Louisiana, Suite 3400  
Houston, TX 77002-5011

**Verification**

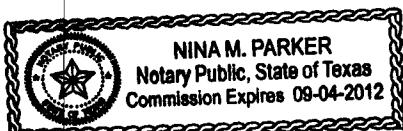
State of Texas              }  
                                    }  
County of Harris              }

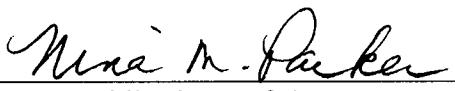
John R. Pearson, being duly sworn, deposes and says.

I am one of the attorneys for the claimant described in the foregoing claim. I have read the claim and know the contents thereof, and the same is true to my own knowledge, except as to matters therein stated to be upon information and belief, and as to those matters I believe it to be true.

  
John R. Pearson

Sworn to and subscribed before me by John R. Pearson on this 17<sup>th</sup> day of October 2008, to which witness my hand and seal.



  
Nina M. Parker  
Notary Public, State of Texas

## CERTIFICATE OF SERVICE

Pursuant to the provisions of Fed. R. Civ. P. 5, I hereby certify that on this 17<sup>th</sup> day of October, 2008 a true and correct copy of the above document was served via CM/ECF, the Southern District of Texas electronic filing system, to known counsel of record:

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/s/ John R. Pearson

John R. Pearson